File No. 294

1893.

Collection No.

Mysore Residency

Pros. Serial Nos. 121 – 124 – 131

Subject.

Amendment of the Bangalore Municipal Law, 1897 to provide for the regulation of traffic in public streets

Previous References.

Later References.

S. 97.—(Blue).

OFP—6788&P—(S-1035)—10 3-30—1,00,000.

Office of the Resident in Mysore.

_____ Branch.

Proceedings No. of the month of 19

Serial Nos. 21- File 294 of 1893

Proceedings number.	Subject and order.	Date of last order.	Previous Proceedings.		
			Serial or Proceedings numbers and Branch	File or month.	Year.
115-116	No. 2313, to the Secretary to Government of India, Foreign Department, submitting for the approval of the Government a draft notification providing for the addition of a clause to section 137 of the Bangalore Municipal Law, 1897, for the regulation of traffic in public streets in the C. and M. Station.	19th April 1911.	294—1893		

Office of the Resident in Mysore.

BRANCH.

Proceedings No. of the month of 191

Serial Nos. 125-128 of File 294 of 1893

Proceedings number.	Subject and order.	Date of last order.	Previous Proceedings.		
			Serial or Proceedings numbers and Branch	File or month.	Year.
123-124	No. 4279, forwarding to the Government of India, Foreign and Political Department, a draft notification deleting section 151 of the Bangalore Municipal Law, 1897, about the regulation of traffic in streets in the C. and M. Station of Bangalore. .	26th June 1914.	294—1893		
67-68	No. 4707, to the President, Municipal Commission, Civil and Military Station of Bangalore, forwarding a copy of Government of India Notification No. 1109, dated 7th July 1914, in the Foreign and Political Department, amending the Bangalore Municipal Law of 1897.	16th July 1914.	294—1893		

R. P. B.—4-1910.—3,000.

RESIDENT'S OFFICE.

Note Sheet.

File No. 294 of 1893

81.125

Letter No. 111 *dated* 8th April 1911

from The President, Municipal Commissioners, & The Station of Bangalore.

SUBJECT.

Regulation of traffic in the streets in the C & the Station of Bangalore.

The old bye-laws for the Cantonment of Bangalore contained a provision to the following effect for regulating traffic in the streets :-

Fly A

"17. All carts & conveyances shall be compelled to keep to their left side of the road to enable carriages to meet and pass on the right side".

but no provision was made in these bye-laws for punishment of a breach of this rule. This rule, however, appears to be inoperative since the Municipal Act in 1897 under Section 2 of that Law.

Fly C

2. The Police exercise powers under the Police Act V of 1861 for regulating processions on public roads (Section 30), & under

Fly B

under section 31, which forms them duty to keep order there. Regulation of traffic in public streets is not a part of them duty under this Act.

3. It is very essential that in an important town like this the question of dangerous traffic should be regulated in public streets, & that the Municipal Commissioners should be empowered to frame the necessary bye-laws. The Commissioners' proposal, which is on the lines of the Municipal Act for the Central Provinces, may therefore be recommended for the sanction of the Govt. of India. Draft letter is submitted for approval.

Margin for binding not to be written on.

H.J.
12/4/11

12/4/11

Yes.

May issue.

14/4

14/4

Issued no. 2318 dated the 19th April 1911.

Encl. 12

Margin for binding not to be written on.

File No. 2947/1913

Office Note.

D.125 H26.

Letters No^s 1685 & 1715 dated 13th & 15th June 1914 respectively from the President, Municipal Commissioners of the Station, Bangalore.

SUBJECT.

Law in the U.K. in relation to driving of vehicles after dark.

Para 2 of H. 125

There appears to be no conflict between Sec. 157 of the Bangalore Municipal Law & Section 59 of the Municipal Byelaws. Under No. 20 the warrant within, but the difference in the penalty (H 20/- under the former & H 50/- under the latter) does not call for any change in the existing law.

H. 126

2. The penalty for breach of Municipal bye-laws is generally fixed at a price not exceeding H 50/- & the penalty for the particular offence under consideration is also fixed accordingly with the numbers City - Vide Sec. 71 (iv) of the Madras City Police Act, III of 1888. It is in such circumstances, submitted that the Municipal bye-law No. 20 may be allowed to stand as it is at present & that the Govt of India may be requested to approve the deletion of Sec. 157 of the Bangalore Municipal Law. If approved, the Govt of India will be addressed in the subject.

1916

1916/14 A.S. 1916. Rest.

The simplest plan will be to ask the G. of I to delete § 157 of the Law. PKW. 1916

S. L.—E. P. B.—2-1914.—10,000

21

Draft letter to the Right Hon. Home, Foreign and Political Dept., is submitted for approval.

H.J. 20/6/14

A.S. 20/6

Rest.

May issue.

PBW 2016.

Issued No 42798 26th June 1914

S.126A.

Margin for binding not to be written on.

Margin for binding not to be written on.

File No. 294/1898

5.129

Office Note.

Letter No. 5897 dated the 13th December 1915
from the President, Municipal Commr, Cantt. Station of Bangalore.

SUBJECT.

Regarding "Conduct of Proceedings" of the Municipal Commr, Cantt. Station of Bangalore.

Under section 30 of the Bangalore Municipal Law, all questions which come before any meeting of the Commr shall be decided by a majority of the votes of the Commissioners present. Under Rule 25 of Bye-Law 2 (Chap. I) the Commissioners may resolve themselves into a Committee to consider subjects before the meeting and the decisions of the Committee shall be reported to the meeting of the Commr for confirmation. Under Rule 23 of the same Bye-Law the members of the Committee may vote at the meeting of the Commr, when the decision of the Committee comes up for confirmation. It seems that the procedure by which the Committee can arrive at a decision is by voting though it is not specifically provided. The voting in the meeting of the Commr is to be a mere formality, but cannot be dispensed with in view of Section 30 of the Municipal Law referred to above. In the circumstances, the President's opinion does not seem to be correct. The decision of the Committee has to be confirmed by the meeting of the Commr by the Commrs present voting, though this may be a formal affair.

S. 1—R.P. B.—2-1914.—10,000

The Madras Corporation rules with regard to the matter are similar. Please see the Bye-Laws at p. 480 of the Book. Rules 18 and 21 of the issue of last St. Geo. Gazette, dated 15th Sep 1908.

R.

Margin for binding not to be written on.

Submitted for orders.

CAS.
18/12/15.

Perhaps this may be sent up to the President with a suggestion that he should ascertain from the President of the Madras Corporation as to (1) the mode of arriving at a decision at a committee meeting and (2) whether the Commissioners vote on the proceedings of a committee

AO
18/12. W. Cox.

The whole question really is one of framing. As I understand it the Commission may go into Committee in order to discuss a matter informally & certain details of Speech are recorded. Rule 23 of the Bye-Laws to which reference in the foregoing note is I think meant to refer to a Standing Committee appointed to examine some particular matter & the Standing Committee. It is obvious that if the Commissioners in Committee are to vote on any decision the majority vote, though if any Commissioner is entitled to abstain from voting if he wishes to. Their decision in Committee on the other hand is in no sense binding. It is merely an informal expression of opinion which requires ratification in Open Meeting, after which the Commissioners formally vote as required under Section 30 of the Municipal Law. The framers of the bye-laws probably

Notes-continued

Margin for binding not to be written on.

resolved that the Commissioners, as a national body of men, would strongly endorse any decision arrived at by themselves sitting in Committee. It is an obvious waste of time for them to go over the same ground twice over. It might be worth while your enquiring of the Madras Corporation if a similar point has arisen & how their proceedings are regulated. If the Question is of real importance, the simplest way will be to amend Rule 25 so as to place the matter beyond doubt.

20/12

No 92976 dt 20-12-15.

Mr Woodburn.

seen with thanks.

21/12

20/12

Margin for binding not to be written in.

File No. 294/1893 Se-130.

Office Note.

Letter No. 87 *dated* 11th Nov: 1919

from the Commissioner, Local Funds, Hyderabad.

SUBJECT.

Asking for copies of Local Funds & Municipal Act together with the Bye-laws & the latest Administration report.

Bangalore Municipal Laws & Bye-laws & Municipal Administration report are sold from the Municipal office. If approved the letter may be sent to the President, Municipal Commission & C. & M. Station, Bangalore for favour of disposal. Draft submitted for approval.

T. N. Thungavelu
Mudaliar.
19-11-19.

AO 19/11

Issue

S. 131

Issued no. 9208 & 22.11.19

S, 1.—E, P, B.—8·1919.—5,000.

NOTES AND PRECIS.

S. 6.—R. P. B.—7-1919.—4,000.

No 111

Encl with C.N. Muni. Act.

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

12

DATED 8th April 1911.

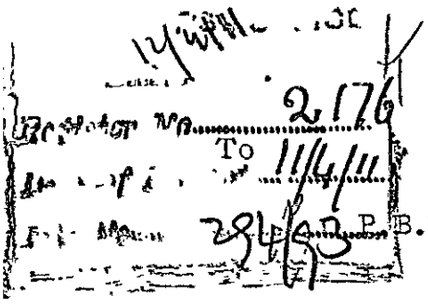
1114

FROM

F. J. RICHARDS, ESQUIRE, M. A., I. C. S.,

President, Municipal Commission,

C. & M. Station, Bangalore.



To P. B. Warburton Esquire, I.C.S.,

First Assistant to the Resident in Mysore,

Bangalore.

SIR,

With a view to regulate traffic in streets-chiefly private carriages and Bicycles, the Commission have at their special meeting held on the 30th March 1911, considered it desirable that provision should be made in the Bangalore Municipal Law of 1897 for the purpose and resolved that the marginally noted clause be added to section 137(1) of the Law and that the existing clause (m) be numbered as (n).

"(m) regulate traffic in the streets".

2. I have the honor to forward herewith a copy of the resolution passed and request that the same may be submitted to the Government of India for sanction, if approved by the Hon'ble the Resident.

3. The Central Provinces Municipal Act XVI of 1903 provides for regulating traffic in the streets. Please see section 105 (1) (r) of the Act.

× to be kindly returned.

I have the honor to be,
Sir,
Your most obedient servant,

A Ellis

for President, Municipal Commission,
Civil and Military Station, Bangalore.

8-4-11

Proceedings of a Special Meeting dated 30th March 1911.

---

2. Proposition from Mr.A.A.Cover District Superintendent of Police, that a Bye-law be passed that "Every person driving a carriage or cart riding a Bicycle shall keep to his own left side of the road and not overtake or pass another Vehicle except on the right hand side of that Vehicle the Standing Committee suggest that the Government of India be asked to add a clause to section 137 Bangalore Municipal Law for the regulation of traffic.

Resolved that the following clause be added to section 137(1) of the Bangalore Municipal Law:-

"(h) regulate traffic in the streets" and that the existing clause (h) be numbered as (i).

(Sd) F.J.Richards
President.

Copy
[illegible]
Secretary.

No. 2318

122

FROM

THE HON'BLE LIEUT.-COL. H. DALY, C. S. I., C. I. E.,
RESIDENT IN MYSORE.

To

The Secretary to the
Government of India,
Foreign Department.

*Dated Bangalore, 19th April 191*1.

SIR,

I have the honour to invite a reference to the Foreign Department's Notification No.2093-I.B., dated the 26th October 1910, amending Section 137 of the Bangalore Municipal Law, of 1897.

S 119/a

2. There is at present no provision in the Bangalore Municipal Law for the regulation of traffic in public streets in the Civil and Military Station, and the Municipal Commission with whom I concur have represented that some such provision, chiefly for private carriages and bicycles, is essential. I therefore submit, for the approval of the Government of India, a draft notification providing for the addition of a clause to section 137 of the Bangalore Municipal Law on the lines of Section 135(1)(r) of the Central Provinces Municipal Act, 1903 (No.XVI of 1903).

S 126/21

I have the honour to be,
Sir,
Your most obedient servant,

Lt P B Swanston
for Resident.

K.I.
.18.4.11..

No. 918

P. R. B.—2-1911.—250.

R. P. B.—7-08.—1,000.

(~~Continuation of~~ Draft).

Draft notification

In exercise of the powers conferred by the Indian (Foreign jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to amend the Bangalore Municipal Law, 1897, as follows:—

To section 137, sub section (1) of the said Law, the following shall be added as clause (zn), namely

"(zn) regulate traffic in the streets; and"

The existing clause (zn) shall be renumbered as clause (zo)

H.S.
12/4/11

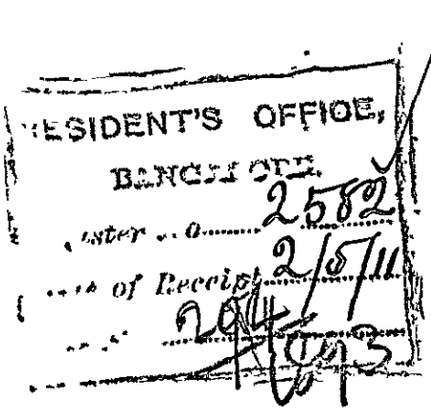
K.M.
18.4.11

COPY.

123.

No. 842- I.B.

Government of India.



FOREIGN DEPARTMENT.

Simla, the 27th April 1911.

NOTIFICATION.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to amend the Bangalore Municipal Law, 1887, as follows :-

To section 137, sub-section (1) of the said Law, the following shall be added as clause (m), namely :-

"(m) regulate traffic in the streets; and"

The existing clause (m) shall be ~~xxxxx~~ renumbered as clause (n).

Sd. A. H. McMahon,
Secretary to the Government of India.

No. 843- I.B.

A copy of the foregoing notification is forwarded to the Hon'ble the Resident in Mysore, for information, with reference to his letter, No. 2318, dated the 19th April 1911.

By order, etc.,

Under Secretary to the Government of India.

Foreign Department,
Simla;
The 27th April 1911.

Post-commencement is not for approval
4/5/11
5/5

S.[illegible]—R. P. B.—5-1911.—3,000.

No. 2721

Dated 2nd May 1911

A. 124

12/4

No. 294
dated 1913

[DRAFT.]

From V. B. Warburton Esqre I.C.S.,
First Assistant to the Resident
in Mysore

To [Here enter Govt. of India,
Foreign Department, notification
No. 842 I. B. dated the 29th April
1911.]

A copy of the foregoing notification is forwarded herewith to the President, Municipal Commission, & Secretariat of Bangalore, for information with reference to his letter No. 111 dated the 8th April 1911.

A. 124.

First Asst. Resident.

4/5/11

8.5.11.

H. O.
6 2,000—26—6—1913.

No. 1685 CIVIL AND MILITARY STATION, BANGALORE.

MUNICIPAL OFFICE.

DATED 13th June 1914.

FROM,

A. R. COX, ESQUIRE, B. A., I. C. S.,

President, Municipal Commission,

C. & M. Station, Bangalore.

To,

P.B.WARBURTON, Esquire, I.C.S.,

First Assistant to the Hon'ble

the Resident in Mysore, BANGALORE.

SIR,

I have the honor to state that the District Superintendent of Police has sent in a proposition that section 151 of the Bangalore Municipal Law be deleted, pointing out that it is unnecessary as sufficient provision has been made in section 5 of the Municipal Bye-law No:20, Chapter III.

2. At the suggestion of the Standing Committee I beg to point out the contradiction that exists between the section in the Bangalore Municipal Law and that in the Bye-law; whereas the former lays down that the vehicle be lighted 'after dusk', the latter rules distinctly that no vehicle shall be driven or pushed half an hour after sun-set or one hour before sun rise unless it be sufficiently lighted.

3. In the circumstances I should be glad to know if the Hon'ble the Resident is of opinion that section 151 Bangalore Municipal Law should be deleted altogether or amended so as to correspond with section 5 of the Bye-law, which in practice has been found sufficient; if so, I have the honor to request that necessary steps may be taken and the Government of India addressed on the subject.

I have the honor to be,

Sir,

Your most obedient servant,

President, Municipal Commission,

Civil & Military Station, Bangalore.

H. O. 126
6 2,000—26—6—1913.

No. 1715 CIVIL AND MILITARY STATION, BANGALORE.

MUNICIPAL OFFICE.

DATED 15th June 1914.

FROM,

3796
17-6-14

A. R. COX, ESQUIRE, B. A., I. C. S., 1716

President, Municipal Commission,

C. & M. Station, Bangalore.

To,

294
1893

P.B.Warburton Esq., I.C.S.,
First Assistant to the Resident in Mysore,
Bangalore.

SIR,

In continuation of my letter No.1685 dated 13th June 1914, I have the honour to point out that the maximum penalty that can be imposed for an offence under Section 151 of the Bangalore Municipal Law is a fine of Rs.20/-, whereas under Section 5 read with Section 14 of Bye-Law 20 Chapter 111, for practically the same offence, it is Rs.50/-

2. It appears to me to be doubtful whether the Bye-Law is legal. A person charged under Section 5 of the Bye-Law might, I think, with justice claim to be tried or convicted for an offence under Section 151 of the Law, which imposes a lesser penalty. For this additional reason I think that the propriety of deleting Section 151 from the Bangalore Municipal Law might well be considered.

I have the honour to be,

Sir,

Your most obedient servant,

Presiedent, Municipal Commission,

Civil and Military Station Bangalore

S. 3.—R. P. B.—4-1914.—10,000.

12 4 A

[DRAFT.]

From

The Hon'ble Lt.Col. Sir Hugh Daly, K.C.I.E.,C.S.I., Resident in Mysore.

To

The Political Secretary to the Government of India, Foreign & Political Department

No 42792-1

Dt 26 June 1914.

S. 123

Sir,

I have the honour to refer to the Foreign Department's Notification No. 842 I.B., dated the 27th April 1911, amending section 137 of the Bangalore Municipal Law, 1897, so as to provide for the regulation of traffic in the streets.

2. Under section 137 (1) (m) of the municipal law, as amended, the Municipal Commission of the C.& M. Station have, with my approval, issued a bye-law[x], para 5 of which prescribes, on the analogy of the provisions of sec. 71(iv) of the Madras City Police Act, 1888(III of 1888), that no person shall drive, drag

[x] Published in Part II of the Gazette of India of the 28th December 1912, pages 1952 & 1953.

S. 4.—R. P. B—8-1911.—3,000.

~~drive~~, or push any vehicle at any time between half an hour after sunset and one hour before sunrise unless the vehicle be sufficiently lighted. In the circumstances section 151 of the Bangalore Municipal law, which deals practically with the same subject, is superfluous. Moreover the maximum penalty that can be imposed for an offence under sec. 151 is a fine of Rs. 20, whereas under para. 14 of the bye-law referred to above, for almost the same offence it is Rs. 50. I therefore recommend the deletion of section 151 of the Bangalore Municipal Law.

~~5. I accordingly~~ submit, for the approval of the Government of India, the necessary draft notification.

I Have, &c.,

H. Daly

Resident.

R. P. B.—8-09.—2,000.

(Continuation of Draft).

Draft Notification

Govt of India
Foreign & Political Dept

Simla, the June 1914

Notification

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council 1902, & of all other powers enabling him in that behalf, the Governor General in Council is pleased to amend ~~delete section~~ 151 of the Bengal Municipal Law, 1899, as follows:-

"Section 151 of the said Law shall be deleted"

H.S.
29/6/14

1127

1117

No. 1110 - I.B.

A copy of the foregoing notification is forwarded to the Hon'ble the Resident in Mysore, for information, with reference to his letter No. 4279, dated the 26th June 1914.

S.126

By order, etc.,

R. V. Maund

Deputy Secretary to the Government of India.

Foreign and Political Department,
S i m l a;
The 7th July 1914.

Draft submitted
CAS 11/7/14 AS 11/7
12/7

Copy.

No. 1109. I.B.

Government of India.

Foreign and Political Department.

Simla, the 7th July 1914.

Notification.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to amend the Bangalore Municipal Law, 1897, as follows:-

"Section 151 of the said Law shall be deleted".

Sd/- J. B. Wood,

Secretary to the Government of India.

S. 3.—R. P. B.—4-1914.—10,000.

7294
1893

[DRAFT.]

From

F. A.R

To The H.R. Govt. of India, Foreign and Political Department, Nowgeahin

S.126 No. 1165 G. B, of the 7th July 1914.

No 4207

8/16 July 1914.

A copy of the foregoing Notification is forwarded herewith to the President, Municipal Commission, Cantonment of Bangalore, for information, with reference to his letter

S.126 No. 1715, of the 15th June 1914.

F. A.R

Note

× copy of notification to Press for publication in Residency orders

Sent 16-7-14

CAS 11/7/14

AS 11/7

Sent 8/7/14

H.O.
6 2,000—20—7—1915.

CIVIL AND MILITARY STATION; BANGALORE.

MUNICIPAL OFFICE.

DATED 13 December 1915.

FROM,

A. R. COX, ESQ., B.A., I.C.S.,

President, Municipal Commission,

C. & M. Station, Bangalore.

To,

P.B.Warburton Esquire., I.C.S.,

First assistant to the Hon'ble

the Resident in Mysore, Bangalore.

SIR,

I have the honour to request the favour of instructions in the following matter relating to the "conduct of Proceedings" of the Municipal Commission. Rule 25 of Bye-law 2 (ch I) relates to proceedings in Committee. Nothing is said about any voting, but the rule says that a decision of the Committee shall be reported to that or a subsequent meeting for confirmation.

A certain Commissioner is of opinion that in Committee it is not necessary to vote, as the decision "cannot possibly be binding on the Commission".

This involves the position that a decision of the Committee can be further discussed in open meeting and reversed by vote at that meeting.

In my opinion this is irrational. I think that a decision must be come to in Committee by votes and that decision repeated for confirmation -a mere form- to an open meeting. That decision must be confirmed and there is no alternative. As there seems to be some difference of opinion among the Commissioners regarding my opinion and ruling on the subject. I submit the

matter

matter for instructions and future guidance.

I have the honour to be

Sir,

Your most obedient servant,

President, Municipal Commission,

Civil and Military Station Bangalore.

Regy. No. 9079
Dt 18-11-19.

130

Letter No. 87, dated the 11th November 1919, from the Commissioner, Local Funds, Hyderabad, to the Superintendent, Printing Press, Bangalore Cantonment, BANGALORE:-

* * * * * * * * * * * * * * * *

I shall be obliged if you please send me a copy of the Local funds and Municipal Act together with the Bye-Laws and - the latest Administration report.

I shall send you the cost.

* * * * * * * * **** * * * * *

6/ "C O P Y"

~~R E G I S T R A R,~~
~~RESIDENT'S OFFICE.~~

S.V.

Encl 1.

1.31

MYSORE RESIDENT'S OFFICE,
Bangalore, 22nd Nov. 1919

No. 9208/Misc. file

A copy of the marginally noted letter, ~~with enclosure~~, is forwarded

*No. 87 dated 11-11-1919 from the Commissioner, Local Funds, Hyderabad

to the President, Municipal Commission, Bangalore, for favour of disposal

Sd/ J. S. Lyon
for First Assistant Resident.

T. H. Thungavelu
Municipal

R. O. 178. (a).—R. P. B.—8-1919.—2,000.

19/11

Note: Copy of the letter to be kept for file. Kept.